

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLAYTON E. BUTSCH,

Petitioner,

v.

JASON BENNETT ,

Respondent.

CASE NO. 2:24-cv-00482-JLR-BAT

**REPORT AND
RECOMMENDATION
DENYING IFP APPLICATION**

Petitioner, a Stafford Creek Corrections Center prisoner, filed a petition for writ of habeas corpus and an application to proceed *in forma pauperis*. Dkt. 1. Petitioner submitted a prison trust account that indicates his average monthly receipts total \$116.00 and his average spendable balance totals \$1,229.21. Petitioner's prison trust account shows he can pay the \$5.00 fee for filing a federal habeas petition. The Court accordingly recommends:

1. Petitioner's IFP application be denied.
2. Petitioner be directed to pay the \$5.00 filing fee within 14 days of adoption of this report and recommendation, or the matter will be dismissed without prejudice.
2. The clerk shall provide a copy of this report to Petitioner.

OBJECTIONS AND APPEAL

This Report and Recommendation is not an appealable order. Therefore, a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case.

Objections, however, may be filed no later than **April 29, 2024**. The Clerk should note the matter for **May 3, 2024**, as ready for the District Judge's consideration. The failure to timely object may affect the right to appeal.

DATED this 15th day of April, 2024.



BRIAN A. TSUCHIDA
United States Magistrate Judge